

**MILWAUKIE CITY COUNCIL
WORK SESSION
BOARD AND COMMISSION REVIEW PROJECT
MILWAUKIE PUBLIC SAFETY BUILDING -- COMMUNITY ROOM
NOVEMBER 14, 1995**

Mayor Lomnicki opened the work session at 4:40 p.m.

Present were Councilors Farley, Schreiber, Kappa (arrived 5:10 p.m.), and Trotter; Carolyn Tomei, Planning Commission Chair; Susanna Pai, Budget Committee Member; Dan Bartlett, City Manager; Charlene Richards, Assistant to the City Manager; Angus Anderson, Finance Director; Maggie Collins, Community Development Director; and Stacy Lawson, Assistant Planner.

Mayor Lomnicki reviewed the board and commission review process for those present. He commented on the decision to develop an Ordinance containing information that was generic to all of the advisory groups.

Planning Commission

Councilmember Trotter asked if Ordinance 1726 was the most recent Planning Commission legislative action by the City. Staff confirmed that it was the most recent.

Mayor Lomnicki reviewed the code sections.

Councilmembers agreed that it was appropriate to have the information on election of officers in the general Ordinance.

Councilmember Schreiber said the Ordinance 1606 would need to be updated.

Bartlett reviewed the process in which ordinances were written to modify and update the municipal code.

It was Council consensus that each board or commission would elect its own chair and vice chair unless stated otherwise in state statutes.

Bartlett discussed the Open Meeting Law and how each City commission was subject to its requirements.

Mayor Lomnicki discussed the section that referred to conflicts of interest.

Bartlett said anyone who becomes an appointed official of the City is subject to the ethics laws. A financial conflict of interest causes exclusion from the decision-making process.

Councilmember Trotter recommended that these be referenced in the general Ordinance with statute numbers.

Councilmember Trotter asked if the documents in the packet reflected the Planning Commission's current mission statement.

Tomei read the mission statement adopted by the Planning Commission: *"The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan."*

Councilmember Trotter suggested this more current mission statement be used in Planning Commission recruitment information. Most of the Commission's duties are delineated in the ORS. He recommended that an annual task list be required through the general Ordinance.

Tomei agreed with the City Council's discussion and had no additional comments. She asked if those commissioners currently serving would have to reapply for their positions.

Mayor Lomnicki said the change would be to have all board and commission terms expire on the same date.

Councilmember Trotter said he understood that current terms would be extended to that month that was determined in the general Ordinance.

Historic Review Commission

Bartlett indicated that the Historic Review Commission (HRC) was enabled through the Zoning Ordinance. The group discussed preparing an Ordinance apart from the Zoning Ordinance and whether the group acted as a commission or committee.

Councilmember Trotter said he concurred that the group acted as a commission because it has the authority to make decisions with an appeal process to the City Council.

Collins pointed out in the legislative background materials that the group was originally named a committee, but it was determined later that the Historic Review Commission acted as a commission. It was created in the same framework as the Planning Commission but acted on historic issues.

Councilmember Trotter said he believed the authority is discussed in the application process and that the administrative processes are not in the municipal code.

Mayor Lomnicki discussed the review of demolition permits and historic designation applications outlined in Resolution 10-1993.

Councilmember Trotter discussed the section of the Ordinance regarding demolition and alterations.

Collins said an applicant may appeal the Historic Review Commission's decision to the City Council. She added that the commission conducts public hearings.

Councilmember Trotter said there have been Historic Review Commission appeals before the City Council.

Bartlett discussed the Type 1 and 2 appeal processes.

Councilmember Trotter suggested that staff research the question of whether the group should be designated as either a commission or a committee.

Councilmember Farley discussed the video history of the City of Milwaukie being prepared by the Historic Review Commission.

It was consensus that staff research the designation of the group.

The group discussed the number of members on the Historic Review Commission.

Councilmember Farley asked if the Historic Review Commission usually had a quorum at its meetings.

Collins said the Historic Review Commission currently has three members, and two others had indicated interest in applying. She pointed out that the Historic Review Commission requires a special interest, and it may be difficult to find seven applicants in a City the size of Milwaukie.

Councilmember Kappa recommended the general Ordinance should state that all board and commission members are appointed by the Mayor with agreement from the Councilors.

Councilmember Schreiber asked if staff had any input on having at-large members.

Collins said there is currently one member-at-large. She added that staff is talking to residents who might be interested in applying. She felt there was a relatively broad interest base.

Councilmember Schreiber said she was thinking more of including the neighborhood associations and the land use groups.

Councilmember Kappa suggested pulling at-large members from the neighborhood land use committees.

Collins said the make up of the boards and commissions was the Council's decision.

Councilmember Trotter said the two citizen-at-large positions are open to anyone who wishes to apply. In addition, there are two special-interest positions and one Planning Commission member.

Councilmember Kappa said it was his thought to increase the membership to seven and specifically invite neighborhood board members.

Councilmember Schreiber said she felt the Council was trying to decide how to work with the Neighborhood District Associations. She pointed out that if there were two neighborhood positions, it would be difficult to decide which neighborhood to appoint.

Mayor Lomnicki suggested not amending the membership language.

Councilmember Schreiber said she felt it needed to be clear just what the Council was encouraging the neighborhoods to do.

Councilmember Trotter recommended that the various boards and commissions go out to the Neighborhood District Associations for input in the task-setting portion of the project. He added that neighborhood outreach could be a generalistic task for each advisory group.

Mayor Lomnicki, Councilmember Schreiber, and Councilmember Trotter felt the Historic Review Commission should remain at five members. Councilmember Farley and Councilmember Kappa felt the membership should be increased.

Mayor Lomnicki said he felt the important point was to fill the commissions with members who are genuinely interested in the activities of that particular advisory board. In the case of the Historic Review Commission, the Council is looking for some real expertise.

The group agreed that Resolution 10-1993, Sections 2 - 5, should be included in the general Ordinance.

Councilmember Schreiber said she felt there should be some administrative authority connected to staff support.

Bartlett commented that he had the authority to delegate these duties to those staff members who have expertise in the areas.

The group discussed Section 6 of Resolution 10-1993.

Lawson commented that the Historic Review Commission will have a work plan through which a meeting schedule would be developed.

Councilmember Kappa said he felt the group should meet quarterly unless working on a special project.

Councilmember Trotter said the Historic Review Commission should meet at least quarterly in order to be creative and analyze situations. He said reference to monthly meetings would be made with the option to cancel. He added that the Historic Review Commission work plan indicated a desire to become more active.

Collins said the Historic Review Commission has traditionally had a more variable meeting schedule than other advisory boards.

Mayor Lomnicki added that he did not wish to compel the boards and commissions to meet if there was no purpose.

Councilmember Trotter said, as there is more publicity on the commission activities, it would be good for the public to know that there will be a meeting on a certain day each month.

Councilmember Kappa said the Historic Review Commission is the only group directly attached to Goal 5, and he would like to see it act as the overseer of the review.

Collins commented that there is reference in the duties and responsibilities to assisting the Milwaukie Historical Society.

Mayor Lomnicki asked if the Council wanted to change the name to Historic Resources Commission.

Councilmember Trotter suggested a general statement that the Historic Review Commission would review and make recommendations to the Planning Commission on Ordinance revisions.

Mayor Lomnicki said he felt this was covered well in the Zoning Ordinance.

Collins suggested adding "assisting the City Council in historic preservation matters, including review of revisions to the historic resources element of the Milwaukie Comprehensive Plan."

Councilmember Trotter asked if this was too specific.

Collins said this was a restating of Zoning Ordinance Section 323.4.

The group agreed that Resolution 10-1993 Section 8 would be incorporated in the general Ordinance, and Section 9 would be repealed.

Bartlett said most of the duties of the Historic Review Commission come directly from the Zoning Ordinance. He asked if this should be extracted and codified.

Councilmember Trotter discussed the impact of Zoning Ordinance modifications.

Budget Committee

Bartlett said the theory of the Budget Committee is in ORS 294.336. It outlines the duties and responsibilities and how members are appointed.

Anderson pointed out that there were no specifications on the number of meetings.

Bartlett recommended that the Budget Committee not be included in the code.

Councilmember Trotter suggested a list of all the advisory boards in the general ordinance and referencing the section of the code in which they are specifically outlined. In the case of the Budget Committee, reference to the ORS chapter would be made.

Bartlett commented that the Budget Committee usually meets only quarterly.

Councilmember Trotter suggested making a statement that sections of the municipal code may be superseded by ORS. He felt, though, that the Budget Committee should be designated as an official advisory body of the City.

Councilmember Trotter discussed the feasibility of a business task force. The Citizens Utility Advisory Commission deals with the infrastructure. He felt there were other aspects of the City that needed a certain attention to detail. He discussed how the School District addresses this issue and asked if the City Council felt the City of Milwaukie might not benefit from a similar group.

Councilmember Schreiber said she believed the City administration sought consultants when information was needed. The group being suggested by Trotter would be a static, ongoing task force.

Pai arrived and asked what the City Council had discussed about the Budget Committee.

Mayor Lomnicki reviewed the comments and discussed how the state statutes impacted local budget committees.

Councilmember Trotter suggested that prior to the next meeting on November 28, he would distribute information on the operation of a business task force and seek feedback from the other Councilors.

Councilmember Kappa said, if a business committee were formed, he would like it to be similar to an economic development committee.

Bartlett said this would be similar to the MDDA's responsibilities as outlined in its contract with the City. He discussed the potential for having a business recruitment element in the agreement.

Councilmember Schreiber said she felt there needed to be some type of industrial-based inventory.

Bartlett said this agreement does not preclude a general overall business advisory group.

Councilmember Kappa said he felt the MDDA was a different sort of advisory group. The City Council meets with the director, but not with the group as a whole.

Councilmember Trotter said the MDDA is an advisory group but is not actually an advisory board. The City Council does not appoint the membership.

Councilmember Kappa said MDDA does not make recommendations to the City Council.

The Council agreed to discuss this issue further at the next meeting.

Bartlett discussed information regarding 1) recent flooding due to heavy rains; and 2) the proposed commuter train between Milwaukie and Lake Oswego.

The meeting was adjourned at 6:10 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary